SUPREME COURT, U. S.

FILED

MAR 8 1974

MICHAEL RODAK, JR., CLERK

No. 73-1213

IN THE

Supreme Court of the United States

OCTOBER TERM, 1973

OLIVER R. GRACE, THE GREEN FUND, INC., S. WILLIAM GREEN, EVELYN GREEN and CYNTHIA COLIN, as Executors of the Estate of LOUIS A. GREEN, deceased, EVELYN GREEN and ELBRIDGE SMITH, individually and as stockholders of AMERICAN-HAWAIIAN STEAMSHIP COMPANY in behalf of themselves and of said corporation, and LEVENTRITT LEWITTES & BENDER,

Petitioners,

against

DANIEL K. LUDWIG, BERKSHIRE INDUSTRIES, INC., AMERICAN-HAWAIIAN STEAMSHIP COMPANY, TRUDE WEININGER, PREMIER INVESTING CORPORATION and ROBERT KORSEN,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR RESPONDENT ROBERT KORSEN IN OPPOSITION

PETER H. MORRISON
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(212) 593-0100

In the

Supreme Court of the United States

October Term, 1973

No. 73-1213

Oliver R. Grace, The Green Fund, Inc., S. William Green, Evelyn Green and Cynthia Colin, as Executors of the Estate of Louis A. Green, deceased, Evelyn Green and Elbridge Smith, individually and as stockholders of American-Hawaiian Steamship Company in behalf of themselves and of said corporation, and Leventritt Lewittes & Bender,

Petitioners,

against

Daniel K. Ludwig, Berkshire Industries, Inc., American-Hawaiian Steamship Company, Trude Weininger, Premier Investing Corporation and Robert Korsen,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR RESPONDENT ROBERT KORSEN IN OPPOSITION

Defendant Robert Korsen ("Korsen") was sued herein solely by virtue of his status as a holder of certain common stock of respondent American-Hawaiian Steamship Company ("American-Hawaiian"). Petitioner's complaint did not allege that Korsen participated in, or even knew about, any alleged wrongful conduct on the part of any other person.

Rather than burden this Court with unnecessary duplication, Korsen adopts the arguments made in the Brief In

Opposition of respondents Daniel K. Ludwig, Berkshire Industries, Inc., and American-Hawaiian, and the Brief In Opposition of respondents Trude Weininger and Premier Investing Corporation.

For the reasons stated in the Briefs In Opposition of those respondents, it is respectfully submitted that the petition for a writ of certiorari should be denied.

Dated: New York, New York
March 8, 1974

Respectfully submitted,

PETER H. MORRISON
Attorney for Respondent Robert Korsen